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Ethical Aspects in Different Understandings of Justice

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Abstract

There are controversies, particularly in the contemporary era, regarding the status of social justice as a value and virtue. Over the course of history, different perspectives on justice have emerged. This article aims to examine the position of the ethical aspect of justice within these various interpretations and identify which perspectives accept it as a social value and social ethic. It also discusses explanations of these different conceptions regarding the ethical aspect of justice.

Keywords: justice, social justice, ethical understanding of justice.

1. Introduction

Justice, while regarded as an individual virtue and moral trait, has always been a subject of ethics. Despite differing opinions on its definition and its relation to other virtues and moral traits, there are few people who question its value and goodness in both private and public affairs.

Likewise, just as honesty, trustworthiness, and righteousness are considered ethical values within personal ethics, justice is also regarded as such. Nevertheless, pertinent questions arise: Does justice have the capacity to go beyond personal ethics? Is it possible to extend it to society, social interactions, and relationships, thereby considering it a value within social ethics?

Within the spectrum of personal ethics, all virtues and values have binding, normative, and advisory aspects. Justice, honesty, and trustworthiness entail certain obligations for those who wish to be moral. It is through fulfilling these obligations and following such guidance that an ethical life can be defined. Similarly, if social justice is deemed a social virtue and part of social ethics, it will emerge as a fundamental guideline and obligatory value, making it impracticable for society to establish and direct basic structures of social life without depending on and giving due attention to this virtue.

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The status of social justice as a value and virtue is not universally agreed upon, especially in the contemporary era. Doubts and inattention to justice as an essential ethical reality have become more prevalent than ever before. For example, Niklas Luhmann, a German sociologist, philosopher of social science, and prominent thinker in systems theory, opined that ethics, including justice, has lost its status as a comprehensive trait in the contemporary era. It can no longer be framed as a general and inclusive norm that impacts the different spheres and systems of society.

Modern society is founded upon independent structures, such as economics, politics, and education, each following its own specific norms. These structures cannot all be placed within a unified system governed by ethics and justice. Consequently, ethics had to be inevitably removed from the system (Höffe 1383 Sh, 36-37).

The dominance of legal positivism within the Western legal system facilitated the sidelining of ethics and the elimination of justice from the legal system. This is particularly true for the radical theory of hard positivism, which explicitly asserts that there is no relationship between legal validity and ethics or justice.

The importance of justice and its role in public life can be understood in multiple ways. One approach is to view justice in the context of fair treatment and interactions with others, known as "commutative justice." Another perspective is to see justice as a necessary condition for certain occupations and government and social positions. This is similar to Islamic jurisprudence, where justice is a prerequisite for roles such as governor, mujtahid, judge, Friday prayer leader, and collector of zakat. A third perspective involves considering justice and its obligations within the social system and governmental decision-making, particularly in drafting and enacting legislation and in international relations. A fourth view focuses on designing and presenting models and theories of social justice to shape the fundamental structures of society according to principles of justice. This entails changing current societal conditions to ensure that social justice governs all spheres of society. This can also encompass models of distributive justice, where the government intervenes to ensure that resources such as income, welfare, taxes, wages, and natural resources are distributed fairly.

Among these four views, only the third and fourth accord attention to justice as a social and public affair, presenting it as a social ethic. In the first two views, there is no direct connection to social ethics; rather, they represent the display of personal ethics within society. The first view requires a person, in social interactions with others, to be committed to the trait of justice and to respect others' rights, shares, and entitlements. Similarly, in the second view, it is the display and adherence to personal ethics of justice that qualifies an individual for certain positions and occupations that interact with society. The importance of justice in this view, as affirmed in Islamic jurisprudence, is that the demonstration of individual justice is a condition and prerequisite for acquiring the aforementioned positions and roles.

Over the course of history, different understandings of justice have emerged. This article aims to examine the position the ethical aspect of justice holds within these various interpretations and identify which perspectives accept it as a social value and social ethic. Additionally, the explanations of these different conceptions regarding the ethical aspect of justice are discussed.

2. The Purely Ethical Concept of Justice

This understanding of justice can be explicated in three ways. The first focuses on human life within an ontological and eschatological system, emphasizing the ultimate consequences of justice and injustice. The foundation of this perspective is the idea that a good and righteous individual deserves felicity, while an evil and wicked one deserves damnation. The system of this world and the Hereafter dictates that if an individual is righteous, they will be felicitous, whereas if they are evil, they will be damned. From an ethical perception of justice, such a system is completely just.

Such an ethical concept of justice logically lacks political, prescriptive, and specific imperative aspects pertaining to how a political and social system should operate. This is because it assigns the ethical judgment of justice and injustice of individuals to their life and status in the Hereafter. Therefore, according to this explanation, there is no necessity for the existing political system and social relationships of a society to ensure that a righteous individual will necessarily attain felicity, or vice versa, in this world.

The second way to explain this understanding is within the realm of ethics as a science, focusing solely on the individual perspective of justice. Viewing justice in this manner, as a purely individual virtue, cannot itself serve as a primary ethical foundation or social value to structure social relationships. It is important to note that this understanding, when applied to framing social interactions and macrostructures of society, remains passive and does not mandate adherence to justice within the public sphere. However, this consequence does not negate the positive impact an ethical individual can have on the development of the public sphere, nor does it imply that there is no relationship between a just social system and the enhancement of individual justice.

From these points, it can be argued that there is a correlation between the realization and promotion of individual ethical justice among society members and social justice. Consequently, if a society comprises numerous individuals committed to justice and righteousness, establishing and maintaining a just social system becomes significantly easier. Similarly, the presence of a just social order encourages members of society to interact with each other in a fair and ethical manner. If the rules, regulations, social relationships, and basic structures of a society do not align with justice, individuals within that society will struggle to fulfill justice in their interactions and conduct.

Highlighting this perspective, Hans Kelsen states, “Justice is primarily a possible, but not a necessary, quality of social order regulating the mutual relations of men.

Only secondarily is it a virtue of man, since a man is just if his behavior conforms to the norms of a social order supposed to be just" (Kelsen 1957, 1-2).

Aristotle also defined justice in a similar broad manner, emphasizing respect for and adherence to social laws. He regarded it as the highest virtue, implying its integral connection with this concept. Aristotle's premise is that when a legal system is established within a social order, it inherently encompasses all that is good; hence, there is a form of attentiveness in play. Therefore, within these laws lie all the characteristics necessary for an individual to achieve felicity. Thus, justice, which he terms the "complete virtue," is found in adherence to these laws (Aristotle 1378 Sh, 163-68).

Therefore, adherence to justice is demonstrated through an individual's adherence to righteous and moral laws.

Therefore, this second explanation, typically discussed in the Science of Ethics, does not logically require the exclusion of social justice and ethics, although it does not explicitly advocate for the establishment of justice within social ethics and guidelines for directing social relationships and interactions among members of society. Nevertheless, this explanation primarily focuses on the individual and personal nature of a person's ethics.

The third explanation of this understanding is centered on interpreting the concepts of goodness and happiness for mankind. It does not concern itself with eschatology nor does it contain imperative statements such as "A righteous person must attain felicity." According to this explanation, goodness and righteousness are inherently felicitous and happy states, while evil and wickedness are inherently damning and wretched states. Therefore, these concepts are not outcomes or consequences of being good or bad; rather, being good or bad themselves determine the quality of an individual's life without dependence on external factors. Consequently, justice and injustice are understood in relation to the inner states and actions of individuals—whether they are good or bad. There is no ontological judgment about the world regarding justice and injustice, and there is no need for consideration of the Hereafter, as felicity and damnation manifest within the inner selves and souls of individuals in this world.

Therefore, according to this explanation, the political and social system in which a person resides is inconsequential. Similarly, the forms of social and political interactions and their resulting consequences are not significant. In other words, this concept of justice lacks a political or social layer and does not possess normative or obligatory characteristics regarding an ideal form of social life. Furthermore, felicity and damnation resulting from justice and injustice are not defined beyond the realms of being just or unjust. Thus, there is no necessity to reform or alter the political and social order, or to enact appropriate and just laws to achieve these ends (Heller 1981, 48).

From the above, it should be noted that all three types of explanations that view justice purely through an ethical lens lack any social and political aspects. Justice is not perceived as a social ethic or value upon which the social order can be structured.

3. Ethico-Political Understanding of Justice

In classical political philosophy, there exists a clear relationship between the ethical concept of justice and the necessity of establishing a just social order. Philosophers like Aristotle, Farabi (1961), and other Peripatetic philosophers within the Islamic tradition had an ethico-political understanding of justice. According to Aristotle, happiness, which signifies the perfection of a human being, is the ultimate objective. Other objectives are desired because they lead to this ultimate goal. Happiness, for Aristotle, is not merely a mental or subjective state; rather, it is factual, objective, and tied to the essence and disposition of humanity. It represents the achievement of objective goodness for humans.

Aristotle argues that without a proper understanding of the objective and true goodness of humans—this happiness—it is not possible to conceive the specific ethics of humans or to establish appropriate political structures. In his view, the political realm is where the natural potentials and disposition of human beings are realized, leading to true and genuine happiness. Following the teachings of his teacher Plato, Aristotle believes that the fundamental responsibility of politics is to create a political society where the primary virtues of humanity—happiness and felicity—are actualized (Plant 1991, 25-45).

In Islamic political philosophy, the Peripatetics followed a theoretical framework similar to that of classical philosophers. They established a clear link between true human felicity and happiness, and the virtue of justice within a just political life, merging their perception of the ethical nature of justice with a just political order. They believed that happiness was the highest human value achievable by all, but asserted that it could only be realized through the establishment of a just and utopian society. Their rationale for such a society was to enable its citizens to attain felicity and happiness (Farabi 1405 AH, 47, 80).

While justice is primarily regarded as an ethical virtue, Ibn Sina also considered it the culmination of all core human virtues (Ibn Sina 1363 Sh, 455). Similarly, justice can be seen as an attribute of society, implying that a just society is essentially synonymous with a utopian society. A just society ensures that its laws are grounded in justice and that each social stratum occupies its rightful place, maintaining balance among them so that no one dominates over another. Just as individual ethics aim at attaining ethical virtues, particularly justice as the highest virtue, politics in the social and public realm strives to achieve goodness and virtue at the societal level. This necessitates that each social stratum engages in virtues appropriate to its role, and it is through their cooperation that happiness for all within society is fostered.

Khawaja Nasir al-Din Tusi elaborates on this perspective, stating, “The virtue of farmers lies in the cooperation of their labor; the virtue of traders lies in the cooperation of their wealth; the virtue of rulers lies in the cooperation of their political judgments; and the virtue of scholars lies in their commitment to truth. The virtue of all lies in their collaboration and development of cities through the attainment of goodness and virtues” (Tusi 1369 Sh, 305).

4. Socio-Political Understanding of Justice

In the modern era, the ethico-political concept of justice, which sought to achieve felicity and virtue as objectives for both the individual and society, has evolved into a socio-political understanding of justice. This contemporary view diverges from the classical Greek and Islamic philosophical perspectives, where the establishment of a just society entailed a social order that served ethical norms, enabling individuals to attain felicity and happiness.

In contrast, the socio-political concept of justice in the modern era prioritizes material benefits for the public while disregarding ethical virtue, human perfection, and the deeper realities of human existence. Here, justice is evaluated based on its material outcomes rather than its alignment with ethical norms that foster human happiness. This perspective focuses on expanding material benefits without necessarily considering the intrinsic goodness and virtues that contribute to true happiness.

This article does not intend to delve into the intellectual shifts that led to the modern separation of ethics from the concept of justice. However, according to Agnes Heller, in the eighteenth and nineteenth centuries, there was a theoretical inquiry that distinctly separated ethics and politics, each focusing independently. The socio-political understanding of justice emerged as a consequence of this separation of ethics from politics within the ethico-political concept.

Moreover, this separation prompted the examination of terms like "just" and "unjust" within society through the lens of scientific social study. It is crucial to note that this shift did not imply a total disregard for ethical considerations; rather, ethics were viewed as lacking practical applicability and influence in shaping public spheres. As a result, social and political factors began to wield the greatest influence in shaping the discourse and understanding of justice (Heller 1981, 153).

In the ethico-political understanding of justice previously discussed, there exists a connection between the ethical and political dimensions. This connection is rooted in the belief that humanity shares a common essence, that there are real and objective virtues for humans, and that the attainment of happiness is only possible through the realization of these virtues. This intellectual framework motivates the cultivation of both individual ethics and social ethics to achieve felicity and happiness. Politicizing and establishing a just and desired social order are thus intended to facilitate the attainment of happiness and felicity.

Conversely, there has been a noticeable decline in the belief in the common virtue of humanity and the idea that happiness and felicity are grounded in the ethical and political spheres. This decline and separation have led to shifts in ethical inquiry and foundational changes in the political arena. In his book "After Virtue," Macintyre highlights that humanity, as beings with ultimate goals and possessing virtues and specific perfections, plays a central role in ethical concepts. Without such a belief, there would be no rational basis for ethical conduct. Therefore, what gives validity to

ethical conduct and underscores its importance is its role in guiding humans towards their ultimate goals and human virtues. If humans do not have an ultimate goal or telos, ethics would lose its necessity. MacIntyre explicitly argues that the Enlightenment's shift in the concept of humanity and the rejection of human telos and virtue hindered a rational understanding of ethics (MacIntyre 1981, 54).

Similarly, in the political sphere, the modern understanding of justice contrasts sharply with the ethico-political understanding. In the ethico-political framework, justice intertwined with felicity and virtue forms the foundation of a political society. In contrast, in the modern era, there is no universal conception of justice that unites a society, nor are there principles guiding the political arena as a realm where human virtues are realized. Instead, as evidenced in the works of Hobbes, this arena is primarily viewed as a tool for humans to escape the fear, distress, and disadvantages of natural conditions without a political society.

MacIntyre argues that the primary issue with modern notions of justice is the pervasive individualism within them. This individualism hinders the formation of a universal understanding of justice and prevents practical consensus on the core and fundamental concepts of political community. In this regard, he writes,

> When Aristotle praised justice as the first virtue of political life, he did so in such a way as to suggest that a community which lacks practical agreement on a conception of justice must also lack the necessary basis for political community. But the lack of such a basis must therefore threaten our own society. For the outcome of that history, some aspects of which I sketched in the preceding chapter, has not only been an inability to agree upon a catalogue of the virtues and an even more fundamental inability to agree upon the relative importance of the virtue concepts within a moral scheme in which notions of rights and of utility also have a key place. It has also been an inability to agree upon the content and character of particular virtues. For since a virtue is now generally understood as a disposition or sentiment which will produce in us obedience to certain rules, agreement on what the relevant rules are to be is always a prerequisite for agreement upon the nature and content of a particular virtue. But this prior agreement in rules is, as I have emphasized in the earlier part of this book, something which our individualist culture is unable to secure. Nowhere is this more marked and nowhere are the consequences more threatening than in the case of justice. (MacIntyre 1981, 244)

Contemporary theories of distributive and retributive justice have been formulated within the socio-political context that emphasizes philosophical pluralism and the relativity of culture and values as defining characteristics of modern society. This framework lacks unified theoretical and anthropological structures, making it

challenging to establish common higher principles for evaluating and comparing these theories. Most contemporary theories of justice focus heavily on analyzing the welfare state, rooted in the needs and desires of modern Western individuals.

While these theories may initially appear to reflect the genuine desires, feelings, and entitlements of modern individuals, they ultimately fail to adequately account for these realities as their foundational basis for explaining contemporary justice. Moreover, they cannot claim to transcend history or provide definitive answers to key questions about justice. Instead, these contemporary theories of justice are historically contingent, shaped by modern knowledge, which embraces ethical and value relativism, alongside the denial of inherent human aspirations for virtue and goodness.

These developments can be seen as primary consequences of the socio-political understanding that governs Western societies, where historical and cultural relativism play significant roles. Therefore, understanding contemporary socio-political theories of justice necessitates interpreting them within this historical context. Consequently, the lack of a solid and comprehensive knowledge foundation undermines the potential for profound philosophical debates and discussions in evaluating and comparing these theories.

5. A Defense of the Ethical Understanding of Social Justice

Throughout history to the present day, the pursuit of a just social order has been grounded in either the ethico-political or socio-political understanding of justice. The author of this article suggests that philosophical reflections on the value of justice can open new avenues for current discussions. In this regard, emphasizing the ethical aspect in the concept of social justice will not only strengthen it but also elevate it to a core element.

In philosophical considerations regarding the source of the value of justice, a crucial question arises: Is the goodness, desirability, and worthiness of justice solely derived from its just outcomes and objectives? In other words, does justice possess value and worth only as a means to achieve certain ends, or does it inherently hold value and worth regardless of its consequences and objectives?

If the inherent value of justice can be theoretically defended in response to this philosophical question, then justice will acquire an ethical dimension in all its individual and social manifestations. Asserting the inherent and essential value of justice means that its goodness, desirability, and obligatory nature are not contingent upon any external factors; the mere fact of being just is sufficient to establish its goodness and obligation. Furthermore, ethical attributes such as goodness and necessity are ascribed to justice solely because it is just, without regard to external considerations such as felicity, human happiness, societal benefits, or expediency. The desirability or goodness of matters beyond justice do not influence the intrinsic desirability and goodness of justice itself. Justice is inherently desirable and obligatory. This understanding of the inherent value of justice contrasts with classical explanations of the ethical nature of justice, which to some extent tied the goodness

and desirability of justice to external factors such as felicity, human perfection, and the telos of humanity.

The inherent value of justice can be established, based on the following four premises:

1. In contrast to many things in life that individuals perceive as desirable and good, often influenced by personal taste and benefit, the value and desirability of justice are not purely subjective or individualistic. It does not derive from personal preferences or immediate benefits. When we encounter instances of justice or injustice, we are emotionally stirred—positively in response to justice and negatively to injustice. This reaction indicates that the value and desirability of justice is ethical in nature. It differs significantly from the value and desirability individuals place on food or products, which are personal and subjective. Justice and injustice possess a distinct ethical dimension that transcends individual preferences and personal matters.
2. Our ethical judgments regarding the goodness and imperative nature of justice are not merely conventional or contractual. Humans have not collectively agreed that justice is inherently good and valuable while injustice is not. The ethical foundation of these concepts is akin to that of goodness and beauty. While goodness and beauty themselves are not inherently moral, they possess the potential to embody moral goodness and beauty when considered in an essential, non-auxiliary manner. Matters that are perceived as good and beautiful evoke a positive feeling and an internal attraction towards them. This attraction is not rooted in convention. Similarly, our perception of justice and injustice aligns with a positive or negative ethical feeling. Justice and injustice, in their true and essential sense, independent of intellectual constructs, conventions, or mutual agreements, inherently embody positive moral value in ethical judgments.
3. The ethical value of justice is universal and all-encompassing. Therefore, its inherent goodness and value are not limited to specific instances. It cannot be asserted that justice found in existential order and creation alone defines its inherent goodness, nor that being just in personal ethics and morality is its sole referent. The ethical nature of justice and injustice is recognized positively or negatively across all contexts and instances. Whether in the realms of ethics, personal behavior, or social interactions, justice and injustice are evaluated on the same moral scale as they are in the realm of existence and creation.
4. Furthermore, goodness and its internal attraction, akin to beauty, is universal and widespread. Beautiful things attract everyone internally. However, there are distinctions between instances of beauty and ugliness, just as there are between instances of justice and injustice. Ethical

judgments about them are intrinsic, universal, and timeless. Despite varying opinions on specific instances of justice and injustice, where a decision, law, or behavior may be considered just by one group and unjust by another, these differences do not undermine the assertion of the inherent ethical value and goodness of justice.

From the foregoing, accepting the inherent value of justice can pave the way for an ethical exploration of social justice. Furthermore, the specific instances and contexts of justice do not alter the philosophical discussion on its foundational value. Therefore, distinctions between divine and existential justice, and between personal and distributive justice, are not pertinent to the fundamental ethical consideration of justice itself.

Combinations such as distributive justice, social justice, economic justice, etc., do not imply that each term has a separate and independent source of value. As mentioned earlier, every philosophical view of justice is general and comprehensive, encompassing all instances. Therefore, if we accept that justice has inherent value, it implies that in all social aspects—whether concerning macrostructures and relationships, laws and regulations, distribution of resources and opportunities, or executive positions—it is inherently good and imperative. Moreover, when an instance of justice or injustice is perceived in any facet or layer of public life, its ethical and valuable nature necessitates societal and governmental responsibilities. Hence, social justice, like any other instance of justice, derives its value and imperative from ethics and is thereby recognized as a social virtue and value.

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